

EXHIBIT A



Entered on Docket
September 02, 2009

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,¹
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,²
USA SECURITIES, LLC,³
Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING ELEVENTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Eleventh Omnibus Objection of USACM Trust
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano
3 Beach Loan” [Docket No. 7287] (the “Objection”); with appropriate notice of the
4 Objection having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal. The remainder of those claims are disallowed to the extent
10 they are based upon a Direct Lender investment in the Bay Pompano
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon
13 investments in loans other than the Bay Pompano Beach Loan, this
14 order does not affect them and the USACM Trust may file further
15 objections.
- 16

17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

20 Rob Charles
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1 In accordance with Local Rule 9021, the undersigned certifies:

- 2 ☐ The Court waived the requirements of LR 9021.
- 3 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 4 in this case.
- 5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the
- 6 hearing, any unrepresented parties who appeared at the hearing, and any trustee
- 7 appointed in this case, and each has approved or disapproved the order, or failed
- to respond, as indicated below (list each party and whether the party has
- approved, disapproved, or failed to respond to the document):

8 U.S. Trustee: August Landis	
9 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
10 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
11 Other Party:	
12 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
13 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14 ###

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles

19 John Hinderaker

20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-02550	Oswaldo Zunino Living Trust Dated 12/18/98	C/O Oswaldo Zunino Trustee 3575 Tioga Way Las Vegas, NV 89109-3340	620,000.00	50,000.00	12,285.97	37,714.03
10725-00089	Augustine Tuffanelli Family Trust	Augustine Tuffanelli Ttee C/O Thomas R Brooksbank 689 Sierra Rose Dr Ste A2 Reno, NV 89511	250,000.00	50,000.00	12,285.97	37,714.03
10725-00549	Brooks, Robert E	1405 14Th Ave Sw Minot, ND 58701-5781	148,104.63	40,104.63	12,285.97	27,818.66
10725-00607	Braida IRA, Michael S	1168 Dover LN Foster City, CA 94404-3609	100,967.00	50,967.00	12,285.97	38,681.03
10725-01155	Brauer IRA, Nancy	2222 Albion St Denver, CO 80207-3708	90,998.45	40,998.45	12,285.97	28,712.48
10725-01212	Jay E Henman Retirement Plan	C/O Jay E Henman Trustee 1023 Ridgeview Ct Carson City, NV 89705-8054	747,243.00	50,243.00	12,285.97	37,957.03
10725-01215	George Gage Trust DTD 10/8/99	C/O Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughe Las Vegas, NV 89169	12,951.80	Unknown	12,285.97	Unknown
10725-01651	Phillips Family Trust DTD 10/24/89	Robert C Lepome 10120 S Eastern #200 Henderson, NV 89052	25,061.00	12,561.00	12,285.97	275.03
10725-01664	Partrick J. Anglin	Janet L Chubb Esq Jones Vargas PO Box 281 Reno, NV 89504-0281	187,005.78	37,005.75	12,285.97	24,719.78
10725-01959	Osherow Trust DTD 9/11/89	Aaron Osherow Trustee 200 S Brentwood Blvd #9D St Louis, MO 63105	1,088,466.02	75,464.72	12,285.97	63,178.75

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